

S.R. 17 - By Truan: Extending congratulations to the Reverend Keith Bellamy of Bishop on being named outstanding citizen for 1989 by the Bishop Chamber of Commerce.

S.R. 18 - By Truan: Extending congratulations to Mr. and Mrs. Dempsey Barr on their 50th wedding anniversary.

S.R. 22 - By Truan: Paying tribute to Eduardo Lopez on the occasion of his retirement from 24 years of distinguished public service as Director of the Kleberg County Welfare Department.

S.R. 23 - By Ellis: Commending members of the National Youth Achievers from the Houston area on their accomplishments through the program.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:26 a.m. adjourned until 11:00 a.m. Monday, May 7, 1990.

SECOND DAY

(Monday, May 7, 1990)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Absent-excused: Leedom.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, on this the beginning of a new week of work we give thanks for this season of new life and fresh growth. We pray that we may grow in faith and be favored with Your grace. Give inspiration and vision to these of the Senate to challenge the yet undone and give fully of themselves to accomplish that which is before them.

In Jesus' name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 3, 1990, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Leedom was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Sims submitted the following report for the Committee on Administration:

S.B. 6

S.B. 11
S.B. 12
S.B. 17
S.B. 18
S.B. 27
C.S.S.B. 23

Senator Parker submitted the following report for the Committee on Education:

C.S.S.B. 1

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.J.R. 6 by Johnson State Affairs
Proposing a constitutional amendment authorizing the legislature to provide for the election of justices to the courts of appeals from single-member or multimember districts.

S.J.R. 7 by Johnson State Affairs
Proposing a constitutional amendment requiring the legislature to provide for the election of certain district judges from single-member judicial divisions.

S.J.R. 8 by Johnson Finance
Proposing a constitutional amendment authorizing the issuance of general obligation bonds to finance a permanent public school facilities fund.

S.B. 34 by Sims State Affairs
Relating to temporary speed limits on certain highways.

S.B. 35 by Sims Finance
Relating to the Pecos River compact program and account; making an appropriation.

S.B. 36 by Carriker Finance
Relating to the salary of the executive director of the Texas Department on Aging.

S.B. 37 by Carriker Intergovernmental Relations
Relating to the duties of office of the district attorney of the 110th Judicial District.

S.B. 38 by Carriker Health and Human Services
Relating to the deregulation of storage of gasoline, diesel fuel, aviation fuel, and kerosene in aboveground tanks at certain aircraft fueling facilities.

S.B. 39 by Santiesteban Education
Relating to the authority of public school districts to contract with accredited private schools for educational services.

S.B. 40 by Caperton Finance
Relating to appropriation of the economic stabilization fund for foundation school program purposes.

S.B. 41 by Caperton Finance
Relating to appropriations for the biennium ending August 31, 1991.

S.B. 42 by Caperton Finance
Relating to debt service on certain state bonds.

S.B. 43 by Johnson State Affairs
Relating to abolishing certain district courts, creating additional district courts, and the election of district court judges in certain counties.

S.B. 44 by Johnson Education
Relating to the issuance of general obligation bonds to finance a permanent public school facilities fund.

CO-AUTHORS OF SENATE BILL 5

On motion of Senator Dickson and by unanimous consent, Senators Edwards, Glasgow, Montford, McFarland and Ratliff will be shown as Co-authors of **S.B. 5**.

CO-AUTHOR OF SENATE BILL 4

On motion of Senator Dickson and by unanimous consent, Senator Edwards will be shown as Co-author of **S.B. 4**.

CO-AUTHORS OF SENATE BILL 7

On motion of Senator Dickson and by unanimous consent, Senators Barrientos and Ratliff will be shown as Co-authors of **S.B. 7**.

CO-AUTHOR OF SENATE BILL 17

On motion of Senator Brown and by unanimous consent, Senator Brooks will be shown as Co-author of **S.B. 17**.

CO-AUTHORS OF SENATE BILL 21

On motion of Senator Henderson and by unanimous consent, Senators Brown and Whitmire will be shown as Co-authors of **S.B. 21**.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 7, 1990

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
FIFTH CALLED SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1993: MR. EDWARD B. ADAMS of Austin, Travis County, is being appointed to a new position pursuant to **S.B. 417**, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS COMMISSION ON JAIL STANDARDS: For a term to expire January 31, 1995: MR. KENNETH W. ANDERSON, JR., of Dallas, Dallas County, will be replacing Robert J. Uhr of New Braunfels, whose term expired.

TO BE A MEMBER OF THE TEXAS JUDICIAL COUNCIL: For a term to expire February 1, 1993: JUDGE RAY D. ANDERSON of Brownfield, Terry County, will be replacing Judge Charles J. Murray of Fort Worth, who resigned.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1993: MS. BRENDA F. ARNETT of Houston, Harris County, is being appointed to a new position pursuant to **S.B. 417**, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS DEPARTMENT OF LICENSING AND REGULATION BOARD: For a term to expire February 1, 1993: MRS. MARJORIE MEYER ARSHT of Bellaire, Harris County, is being appointed to a new position pursuant to H.B. 863, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY BOARD OF DIRECTORS: For a term to expire March 15, 1995: MR. FRED WALTER ASMUSSEN III of Athens, Henderson County, is replacing Bruce Smith of Athens, whose term expired.

TO BE A MEMBER OF THE STATE SEED AND PLANT BOARD: For a term to expire October 6, 1991: MR. GEORGE B. BABCOCK of Lubbock, Lubbock County, will be replacing Keneal Swenson, Jr., of Lubbock, whose term expired.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire December 31, 1989: MR. HUBERT E. BECHTOL of Austin, Travis County, will be replacing Ruben M. Torres of Brownsville, who is deceased.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1995: MR. HUBERT E. BECHTOL of Austin, Travis County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL: For a term to expire September 1, 1991: MR. DANIEL EDWARD BECKETT of Austin, Travis County, is being reappointed.

TO BE A MEMBER OF THE GULF STATES MARINE FISHERIES COMMISSION: For a term to expire March 17, 1993: MR. CHARLES BELAIRE of Fulton, Aransas County, is being reappointed.

TO BE A MEMBER OF THE TEXAS COMMISSION FOR THE DEAF: For a term to expire January 31, 1993: MR. CLYDE S. BLACK of Temple, Bell County, will be replacing J. Scott Hutchinson of Dallas, who resigned.

TO BE A MEMBER OF THE ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL: For a term to expire September 1, 1991: MR. JAMES EDWARD BLACKWELL of Austin, Travis County, is being appointed to a new position pursuant to H.B. 32, 70th Legislature.

TO BE A MEMBER OF THE HOSPITAL LICENSING ADVISORY COUNCIL: For a term to expire December 7, 1993: DR. DAVID G. BORMAN of Iowa Park, Wichita County, will be replacing Dr. George Willeford III of Austin, who resigned.

TO BE A MEMBER OF THE AGRICULTURAL RESOURCES PROTECTION AUTHORITY: For a term to expire February 1, 1991: MAYOR OTHAL E. BRAND, SR., of McAllen, Hidalgo County, is being appointed to a new position pursuant to S.B. 489, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1991: MR. JAKE BRISBIN, JR., of Marfa, Presidio County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE RADIATION ADVISORY BOARD: For a term to expire April 16, 1995: MR. THOMAS M. BURNETTE of Plano, Collin County, will be replacing Russell F. Cash of Pasadena, whose term expired.

TO BE A MEMBER OF THE HOSPITAL LICENSING ADVISORY COUNCIL: For a term to expire December 7, 1995: MR. DAVID C. BUSH of Houston, Harris County, will be replacing Fred J. Farner of Houston, whose term expired.

TO BE A MEMBER OF THE AGRICULTURAL RESOURCES PROTECTION AUTHORITY: For a term to expire February 1, 1991: MR. ELVIN LEE CARAWAY of Fort Worth, Tarrant County, is being appointed to a new position pursuant to S.B. 489, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1991: MRS. NORMA Y. CARDENAS of McAllen, Hidalgo County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL: For a term to expire September 1, 1991: DR. B. L. CARLILE of College Station, Brazos County, is being reappointed.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1991: MR. KEN CASNER of Waco, McLennan County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1995: MRS. PATTI CLAPP of Dallas, Dallas County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1991: MR. KENNETH N. COLEMAN of Huntsville, Walker County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS DEPARTMENT OF LICENSING AND REGULATION BOARD: For a term to expire February 1, 1993: MR. PAUL J. CORKERY of Fort Worth, Tarrant County, is being appointed to a new position pursuant to H.B. 863, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE BOARD OF MEDICAL EXAMINERS DISTRICT IV REVIEW COMMITTEE: For a term to expire January 15, 1996: DR. CLYDE R. DANKS of Austin, Travis County, is being reappointed.

TO BE A MEMBER OF THE TEXAS DEPARTMENT OF LICENSING AND REGULATION BOARD: For a term to expire February 1, 1995: MRS. JOHNNYE DAVIS of Odessa, Ector County, is being appointed to a new position pursuant to H.B. 863, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1995: MR. DANIEL L. DOWNS of Houston, Harris County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS STRUCTURAL PEST CONTROL BOARD: For a term to expire February 1, 1991: MRS. LISA SWANSON ECHOLS of Breckenridge, Stephens County, is being appointed to a new position on the board.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1993: MR. FRANK CHARLES EIKENBURG of

Dallas, Dallas County, is being appointed to a new position pursuant to **H.B. 2335**, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS: For a term to expire March 15, 1995: **MR. WILLIAM D. ELLIOTT** of Dallas, Dallas County, is replacing Donald R. Cutler of Duncanville, whose term expired.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1993: **MR. BENNIE L. ELMORE** of Huntsville, Walker County, is being appointed to a new position pursuant to **H.B. 2335**, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS COMMISSION ON JAIL STANDARDS: For a term to expire August 31, 1995: **THE HONORABLE ROY ENGLISH** of Mansfield, Tarrant County, is being reappointed.

TO BE DIRECTOR OF THE OFFICE OF STATE-FEDERAL RELATIONS: For a term at the pleasure of the Governor: **MR. RANDY ERBEN** of San Antonio, Bexar County, will be replacing Henry Gandy of Kerrville, who resigned.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1993: **MR. JOHN ESCOBEDO** of Huntsville, Walker County, is being appointed to a new position pursuant to **H.B. 2335**, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS: For a term to expire March 15, 1991: **MR. ROBERT A. ESTRADA** of Dallas, Dallas County, will be filling the unexpired term of Mary Ethel Jackson of Pasadena, who is deceased.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1995: **MR. JACK FIELDS, SR.**, of Humble, Humble County, is being appointed to a new position pursuant to **S.B. 417**, 71st Legislature, Regular Session. (Mr. Fields is now deceased.)

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1995: **MR. TROY G. FOX** of Round Rock, Williamson County, is being appointed to a new position pursuant to **H.B. 2335**, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL: For a term to expire September 1, 1990: **MR. RICHARD THOMAS FRASER** of Austin, Travis County, is being appointed to a new position pursuant to **H.B. 32**, 70th Legislature.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1991: **MR. GERALD L. GARRETT** of Pearland, Brazoria County, is being appointed to a new position pursuant to **H.B. 2335**, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1993: **MRS. GLORIA GIBNEY** of Corpus Christi, Nueces County, is being appointed to a new position pursuant to **H.B. 2335**, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1993: **MR. RON D. GIVENS** of Lubbock, Lubbock County, is being appointed to a new position pursuant to **H.B. 2335**, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS STRUCTURAL PEST CONTROL BOARD: For a term to expire February 1, 1991: MR. CHARLES K. "BUDDY" GLASSE of Friendswood, Galveston County, is being appointed to a new position pursuant to H.B. 3167, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1995: DR. JAMES H. GRANBERRY of Lubbock, Lubbock County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS WATER WELL DRILLERS BOARD: For a term to expire September 15, 1995: MR. GARY DEAN GRANT of Abernathy, Hale County, is being reappointed.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS: For a term to expire March 15, 1995: MR. ROBERT D. HARDY, JR., of Huntsville, Walker County, is replacing Thomas C. Letts of Huntsville, whose term expired.

TO BE A MEMBER OF THE TEXAS STRUCTURAL PEST CONTROL BOARD: For a term to expire February 1, 1995: DR. JIMMY L. HORNER of Decatur, Wise County, is being appointed to a new position pursuant to H.B. 3167, 71st Legislature, Regular Session.

TO BE JUDGE OF THE 238TH JUDICIAL DISTRICT COURT, MIDLAND COUNTY: UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED: MR. JOHN GARY HYDE of Midland, Midland County, will be replacing Judge Vann Culp of Midland, who resigned.

TO BE A MEMBER OF THE TEXAS JUDICIAL COUNCIL: For a term to expire June 30, 1995: MRS. RAE JACKSON of Longview, Gregg County, will be replacing Gene McLaughlin of Ralls, whose term expired.

TO BE A MEMBER OF THE TEXAS STRUCTURAL PEST CONTROL BOARD: For a term to expire February 1, 1995: MR. ROBERT W. JENKINS, SR., of Marble Falls, Burnet County, is being appointed to a new position pursuant to H.B. 3167, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS: For a term to expire March 15, 1995: MRS. ERMA CHANSLER JOHNSON of Fort Worth, Tarrant County, is replacing Howard Brants, Jr., of Fort Worth, whose term expired.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1991: MRS. ETHEL P. JONES of Texarkana, Bowie County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS STRUCTURAL PEST CONTROL BOARD: For a term to expire February 1, 1993: MR. RAYFORD G. KAY of Houston, Harris County, is being appointed to a new position pursuant to H.B. 3167, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1995: MR. HENRY B. KEENE of Austin, Travis County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1991: MR. DAVID B. KEITH

of Houston, Harris County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE RADIATION ADVISORY BOARD: For a term to expire April 16, 1991: DR. JOSEPH MILLER KENWORTHY of Gatesville, Coryell County, will be replacing Dr. James W. Orr of Austin, who resigned.

TO BE A BRANCH PILOT FOR THE PORTS OF GALVESTON COUNTY: For a term to expire June 1, 1994: CAPTAIN WILLIAM R. KERN of Galveston, Galveston County, is being reappointed.

TO BE A BRANCH PILOT FOR THE PORTS OF GALVESTON COUNTY: For a term to expire June 1, 1994: CAPTAIN EDGAR L. KING of Galveston, Galveston County, is being reappointed.

TO BE A MEMBER OF THE EGG MARKETING ADVISORY BOARD: For a term to expire September 27, 1995: MR. TERRY A. LEGAN of Hurst, Tarrant County, is being reappointed.

TO BE A MEMBER OF THE TEXAS JUVENILE PROBATION COMMISSION: For a term to expire August 31, 1995: MR. ROBERT J. LERMA of Brownsville, Cameron County, is replacing Reverend Amos Landry of Beaumont, whose term expired.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS: For a term to expire March 15, 1995: MR. MAURICE LEE LOCKE of Liberty, Liberty County, is replacing J. Leard Conner of Dayton, whose term expired.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1995: MRS. NANCY ANN BROWN LOEFFLER of San Antonio, Bexar County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1993: DR. DAN FRANK LONG of Georgetown, Williamson County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL: For a term to expire September 1, 1990: MR. MARK V. LOWRY of East Bernard, Wharton County, is being appointed to a new position pursuant to H.B. 32, 70th Legislature.

TO BE A MEMBER OF THE TEXAS DEPARTMENT OF LICENSING AND REGULATION BOARD: For a term to expire February 1, 1991: MR. MANUEL MARRUFO of El Paso, El Paso County, is being appointed to a new position pursuant to H.B. 863, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE RADIATION ADVISORY BOARD: For a term to expire April 16, 1995: MR. JAMES C. MARTIN of Duncanville, Dallas County, will be replacing George Riddle of Houston, whose term expired.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1991: MRS. PEGGY McADAMS of Huntsville, Walker County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TRINITY RIVER AUTHORITY OF TEXAS BOARD OF DIRECTORS: For a term to expire March 15, 1993: MR. C. L.

McCUISTION, JR., of Forney, Kaufman County, is filling the unexpired term of Ray H. Myers of Forney, who resigned.

TO BE A MEMBER OF THE PUBLIC UTILITY COMMISSION: For a term to expire September 1, 1995: MR. PAUL D. MEEK of Dallas, Dallas County, is replacing Mr. William B. Cassin of Houston, whose term expired.

TO BE A MEMBER OF THE TEXAS STRUCTURAL PEST CONTROL BOARD: For a term to expire February 1, 1993: MR. DAVID MELASS of Lake Jackson, Brazoria County, is being appointed to a new position pursuant to H.B. 3167, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1991: MRS. WINONA WILSON MILES of Austin, Travis County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1993: MR. ROGER C. MINARD of Austin, Travis County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL: For a term to expire September 1, 1991: MR. ROBERT L. MORRIS of Cedar Park, Williamson County, is being reappointed.

TO BE A MEMBER OF THE COSMETOLOGY COMMISSION: For a term to expire December 31, 1995: DR. NEDUM C. MUNS III of Huntsville, Walker County, will be replacing Dr. James R. Tartar of Odessa, whose term expired.

TO BE A MEMBER OF THE COMMISSION ON JAIL STANDARDS: For a term to expire January 31, 1995: MR. J. DAVID NELSON of Lubbock, Lubbock County, is filling the unexpired term of Florence Shapiro of Plano, who resigned.

TO BE A MEMBER OF THE TEXAS VETERANS COMMISSION: For a term to expire December 31, 1995: COLONEL JAMES S. NOVY of San Antonio, Bexar County, will be replacing Lindon Williams of Baytown, who is deceased.

TO BE A MEMBER OF THE STATE PROPERTY TAX BOARD: For a term to expire March 1, 1995: MR. JIM N. NUGENT of Amarillo, Potter County, is replacing Ciro Trevino of Edinburg, whose term expired.

TO BE A MEMBER OF MIDWESTERN STATE UNIVERSITY BOARD OF REGENTS: For a term to expire February 25, 1996: MR. MILBURN E. NUTT of Wichita Falls, Wichita County, will be replacing Tom Blakeney, Jr., of Alvin, whose term expired.

TO BE A MEMBER OF THE FIRE DEPARTMENT EMERGENCY BOARD: For a term to expire February 1, 1991: MR. BARNEY J. OLDHAM of Bertram, Burnet County, is being appointed to a new position pursuant to H.B. 708, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS AIR CONTROL BOARD: For a term to expire September 1, 1995: DR. CALVIN B. PARNELL, JR., of College Station, Brazos County, will be replacing Dr. Otto Kunze of College Station, whose term expired.

TO BE A MEMBER OF THE TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE: For a term to expire June 8, 1995: MRS. MARY LOU PARSONS of Odessa, Ector County, is replacing Robert Harrell of Austin, who is deceased.

TO BE A MEMBER OF THE TEXAS DEPARTMENT OF LICENSING AND REGULATION BOARD: For a term to expire February 1, 1991: MR. ACIE O. PHILLIPS, JR., of Missouri City, Fort Bend County, is being appointed to a new position pursuant to H.B. 863, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1993: MR. STENNETT D. POSEY of Georgetown, Williamson County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1995: DR. WINSTON C. POWER, JR., of Dallas, Dallas County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE STATE COMMITTEE OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY: For a term to expire August 31, 1995: DR. GENE R. POWERS of Austin, Travis County, will be replacing Dr. Karen Jones Howard of Abilene, whose term expired.

TO BE A MEMBER OF THE TEXAS AIR CONTROL BOARD: For a term to expire September 1, 1995: MR. WILLIAM H. QUORTRUP of Dallas, Dallas County, is being reappointed.

TO BE A MEMBER OF THE TEXAS COUNTY AND DISTRICT RETIREMENT SYSTEM BOARD OF TRUSTEES: For a term to expire December 31, 1995: MR. STEVE RADACK of Houston, Harris County, will be replacing John P. Gayle, Jr., of Brazoria, whose term expired.

TO BE A MEMBER OF THE TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE: For a term to expire June 8, 1995: REVEREND JOE SAMUEL RATLIFF of Houston, Harris County, is replacing Ms. Nancy Perry of Odessa, whose term expired.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1993: MR. DONALD REYNOLDS of Goodrich, Madison County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING AIDS: For a term to expire December 31, 1995: DR. RICHARD L. RIESS of College Station, Brazos County, is being reappointed.

TO BE A MEMBER OF THE TEXAS AIR CONTROL BOARD: For a term to expire September 1, 1995: MR. WARREN H. ROBERTS of Arlington, Tarrant County, will be replacing Hubert Oxford III of Beaumont, whose term expired.

TO BE A MEMBER OF THE VETERANS' LAND BOARD: For a term to expire December 19, 1992: MR. JONATHAN ROGERS of El Paso, El Paso County, is replacing Karl M. May of Waco, whose term expired.

TO BE A MEMBER OF THE COMMISSION ON JAIL STANDARDS: For a term to expire January 31, 1995: MRS. FLORENCE DONALD SHAPIRO of Plano, Collin County, is replacing Fred Tinsley of Dallas, whose term expired.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1991: MRS. GLENDA SMITH of Austin, Travis County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS JUDICIAL COUNCIL: For a term to expire February 1, 1993: JUDGE JOE SPURLOCK II of Fort Worth, Tarrant County, is being reappointed.

TO BE A MEMBER OF THE FIRE DEPARTMENT EMERGENCY BOARD: For a term to expire February 1, 1991: MR. DAN W. STAMPER of Austin, Travis County, is being appointed to a new position pursuant to H.B. 708, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE FAMILY FARM AND RANCH ADVISORY BOARD: For a term to expire January 31, 1995: MR. JAMES RONNIE SULLINS of Gatesville, Coryell County, will be replacing Randall C. Dixon of Groesbeck, whose term expired.

TO BE A MEMBER OF THE TEXAS STATE TECHNICAL INSTITUTE BOARD OF REGENTS: For a term to expire August 31, 1995: MR. DAVID W. TAYLOR of Houston, Harris County, will be replacing Noe Fernandez of McAllen, who resigned.

TO BE A MEMBER OF THE TEXAS JUDICIAL COUNCIL: For a term to expire June 30, 1995: MR. NICK TAYLOR of Midland, Midland County, will be replacing Curt F. Steib of San Angelo, whose term expired.

TO BE A MEMBER OF THE ON-SITE WASTEWATER TREATMENT RESEARCH COUNCIL: For a term to expire September 1, 1990: MR. TOM TINER of Spicewood, Travis County, is being appointed to a new position for a rural water quality specialist.

TO BE A MEMBER OF THE EDUCATIONAL EXCELLENCE COMMITTEE: For a term to expire February 1, 1995: MR. LARRY J. WARD of Richardson, Dallas County, is being appointed to a new position pursuant to S.B. 417, 71st Legislature, Regular Session.

TO BE JUDGE OF CRIMINAL DISTRICT COURT NO. 1, TARRANT COUNTY: UNTIL THE NEXT GENERAL ELECTION AND UNTIL HER SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED: MS. SHAREN WILSON of Fort Worth, Tarrant County, will be replacing Judge Louis E. Sturns of Fort Worth, who was elevated to the position of Judge of the Court of Criminal Appeals.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1995: MR. DONN D. WOOLERY of Huntsville, Walker County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE BOARD OF PARDONS AND PAROLES: For a term to expire February 1, 1991: DR. ESTHER LEE YAO of Houston, Harris County, is being appointed to a new position pursuant to H.B. 2335, 71st Legislature, Regular Session.

TO BE A MEMBER OF THE TEXAS DEPARTMENT OF LICENSING AND REGULATION BOARD: For a term to expire February 1, 1995: MR. EARL L. YEAKEL III of Austin, Travis County, is being appointed to a new position pursuant to H.B. 863, 71st Legislature, Regular Session.

Respectfully submitted,
/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

SENATE BILL 6 ON SECOND READING

On motion of Senator Dickson and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 6, Relating to the dissolution of the Concho County Water Control and Improvement District No. 1.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 6 ON THIRD READING

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 6** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

CAPITOL PHYSICIAN

Senator Krier was recognized and presented Dr. Ronald Garcia of San Antonio.

Dr. Garcia, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE BILL 11 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 11, Relating to the promotion, regulation, and coordination of aquaculture and the fish farming industry; making appropriations.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 11 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 11** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 12 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 12, Relating to a commercial fisheries marketing council in the Department of Agriculture.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 12 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 12 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed viva voce vote.

SENATE BILL 17 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 17, Relating to the powers of the Gulf Coast Waste Disposal Authority.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 17 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 18 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 18, Relating to the annexation of land to and the exclusion of land from the Brazosport Water Authority.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 18 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

COMMITTEE SUBSTITUTE**SENATE BILL 23 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 23, Relating to a defense to the prosecution of the offense of cruelty to animals.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 23 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 27 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 27, Relating to the definitions of pen-reared birds and depredating animals.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 27 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 27 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Leedom.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business and Senate Rule 7.13 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1, Relating to public education.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 1, SECTION 5.04, as follows:

- (1) Delete "(a)" between "5.04." and "The"
- (2) Delete Subsection (b) in its entirety.

The amendment was read and was adopted viva voce vote.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 1 by striking Section ____ and substituting the following:

SECTION ____ Section 16.101, Education Code, is amended to read as follows:

Sec. 16.101. BASIC ALLOTMENT. For each student in average daily attendance, not including the time students spend each day in special education or vocational education programs for which an additional allotment is made under Subchapter D of this chapter, a district is entitled to an allotment of \$1,910 [~~\$1,477~~] for the 1990-1991 [~~1989-1990~~] school year, \$2,128 for the 1991-1992 and 1992-1993 school years, and \$2,128 or an amount adopted by the foundation school fund budget committee under Section 16.256 of this code for the 1993-1994 school year and [~~\$1,500~~ for] each school year thereafter. A [~~, or a~~] greater amount for any school year may be provided by appropriation.

The amendment was read and was adopted viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 3

Amend C.S.S.B. 1 as follows:

(1) On page 35, line 24, between “classroom” and “;”, insert “and in making district level decisions”.

(2) On page 64, strike lines 10-12, and substitute the following:

(3) develop budgets for his campus; [and]

(4) work with school professionals to prepare individual development plans; and

(5) attend inservice training relating to making district level decisions provided under Section 13.049(b) of this code.

The amendment was read and was adopted viva voce vote.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 4

Amend C.S.S.B. 1 as follows:

On page 49, line 4, C.S.S.B. 1, Sec. 21.754, Subsection (h) strike the words: “a need for on-site evaluation”

and insert the following in place thereof:

“low performance on one or more of the criteria listed in section 21.754, subsection (c) of this code.”

The amendment was read and was adopted viva voce vote.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 5

Amend C.S.S.B. 1 as follows:

(1) In Section 1.03:

(a) Amend the new subsection (a) by deleting all underlined language and restoring current language.

(b) Delete subsection (b).

(c) Re-letter subsection (c) as subsection (b).

(2) In Section 1.20, page 23, line 24, insert a period after ‘Education Code’ and delete the remainder of the section.

The amendment was read.

On motion of Senator Parker, Floor Amendment No. 5 was tabled viva voce vote.

Senator McFarland offered the following amendment to the bill:

Floor Amendment No. 6

Amend C.S.S.B. 1 as follows:

Strike Article I and substitute a new Article I to read as follows:

ARTICLE I. FINANCE

SECTION 1.01. Section 16.001, Education Code, is amended to read as follows:

Sec. 16.001. **STATE POLICY.** (a) It is the policy of the State of Texas that the provision of public education is a state responsibility and that a thorough and efficient system be provided and substantially financed through state revenue sources so that each student enrolled in the public school system shall have access to programs and services that are appropriate to his or her educational needs and that are substantially equal to those available to any similar student, notwithstanding varying local economic factors at similar levels of tax effort. To accomplish this policy, the Foundation School Program is established.

(b) To achieve substantially equal access to similar revenues per pupil, the Foundation School Program shall guarantee that at least 95 percent of all students are in districts that have fully equalized access to the same level of state and local revenues, as adjusted for uncontrollable student and district cost differences, for the maintenance, operation, and efficient administration of the educational programs of the district and fully equalized access to sufficient funding to economically provide adequate and safe educational facilities and equipment.

(c) To have substantially equal access to these revenues at similar levels of tax effort, the Foundation School Program shall guarantee that at least 95 percent of all students are in districts that have fully equalized state and local revenue for each penny of tax effort, for the purposes enumerated in Subsection (b) of this section for the 1995-1996 school year and each school year thereafter. For each school year preceding the 1995-1996 school year, the following percentages of students shall have access to a fully equalized system: 76 percent for the 1990-1991 school year; 84 percent for the 1991-1992 school year; 88 percent for the 1992-1993 school year; 90 percent for the 1993-1994 school year; and 94 percent for the 1994-1995 school year.

SECTION 1.02. Subchapter A, Chapter 16, Education Code, is amended by adding Section 16.008 to read as follows:

Sec. 16.008. **EQUALIZED FUNDING ELEMENTS.** (a) Before each regular session of the legislature beginning with the 74th Legislature, for each school year in the next biennium the Legislative Education Board shall calculate, so as to achieve the state policy established under Section 16.001 of this code:

- (1) the basic allotment provided under Section 16.101 of this code;
- (2) the local share tax rate under Section 16.252(a) of this code;
- (3) the guaranteed level of state and local funds per student per cent of tax effort provided under Section 16.302 of this code; and
- (4) the maximum guaranteed level of equalized state and local revenue per student provided under Section 16.303 of this code.

(b) Not later than October 1 preceding each regular session of the legislature, the board shall report the equalized funding elements calculated under Subsection (a) of this section to the foundation school fund budget committee, the commissioner of education, and the legislature.

SECTION 1.03. Subchapter A, Chapter 16, Education Code, is amended by adding Sections 16.009 and 16.010 to read as follows:

Sec. 16.009. **WEIGHTED STUDENTS.** In this code, weighted students in average daily attendance (WADA) is determined by dividing the sum of the district's

allotments under Subchapters C and D of this chapter, less any allotments to the district for transportation or for career ladder supplements, by the basic allotment for the applicable year.

Sec. 16.010. PERCENTILE OF WEALTH PER STUDENT. In this code, a district is determined to be at a given percentile of wealth per student by:

(1) ranking all the school districts in the state in ascending order according to each district's taxable value of property, as determined under Section 11.86 of this code for the tax year in which the school year begins, per weighted student;

(2) beginning with the district with the lowest taxable value of property per weighted student, adding the number of weighted students in each district to the sum of the number of weighted students in all lower ranked districts; and

(3) determining the district at which the sum of weighted students first equals or exceeds the given percent of the total number of weighted students in the state.

SECTION 1.04. Section 16.256, Education Code, is amended by adding Subsection (d) to read as follows:

(d) Before each regular session of the legislature (beginning with the 74th Legislature) and after considering the report of the Legislative Education Board under Section 16.008 of this code, the committee shall adopt the following for each school year in the next biennium so as to achieve the state policy established under Section 16.001 of this code:

(1) the local share tax rate under Section 16.252(a) of this code;

(2) the guaranteed level of state and local funds per student per cent of tax effort provided under Section 16.302 of this code; and

(3) the maximum guaranteed level of equalized state and local revenue per student provided under Section 16.303 of this code.

SECTION 1.05. Sections 16.302 and 16.303, Education Code, are amended to read as follows:

Sec. 16.302. ALLOTMENT. Each district is guaranteed a specified amount per weighted student in state and local funds for each cent of tax effort over that required for the local fund assignment up to the maximum level specified in this subchapter. The amount of state support, subject to Section 16.303 of this code, is determined by the formula:

$$GYA - (GL \times WADA \times DTR \times 100) - LR$$

where:

"GYA" is the guaranteed yield amount of state funds to be allocated to the district;

"GL" is the dollar amount guaranteed level of state and local funds per weighted student per cent of tax effort, which is \$19.50 for the 1990-1991 school year, \$22.65 for the 1991-1992 school year, \$24.90 for the 1992-1993 school year, \$26.90 for the 1993-1994 school year, and \$28.75 for the 1994-1995 school year and for each school year thereafter, [~~\$18.25~~] or a greater amount for any year provided by appropriation so as to achieve the state policy established under Section 16.001 of this code;

"WADA" is the number of weighted students in average daily attendance in the district as determined under Section 16.009 of this code[, which is calculated by dividing the sum of the district's allotments under Subchapters C and D of this chapter, less any allotments to the district for transportation or for career ladder supplements and 50 percent of the adjustments under Sections 16.102 and 16.103 of this code, by the basic allotment for the applicable year];

"DTR" is the district [~~enrichment~~] tax rate of the district, which is determined by subtracting the local fund assignment of the district from the amount of taxes

collected by the district for the applicable school year and dividing the result by the quotient of the district's taxable value of property (DPV) under Section 16.252 of this code divided by 100; and

"LR" is the local revenue, which is determined by multiplying "DTR" by the quotient of the district's taxable value of property (DPV) under Section 16.252 of this code divided by 100.

Sec. 16.303. LIMITATIONS OF GUARANTEED YIELD [LIMITATION ON ENRICHMENT TAX RATE]. (a) The sum of a district's guaranteed yield amount and local revenue used in Section 16.302 of this code and the district's Foundation School Program cost under Subchapters C and D of this chapter, divided by the district's weighted students, may not exceed the total amount of state and local revenues per weighted student available to the district at the 95th percentile of such revenues per weighted student in the prior school year, calculated in the manner used in Section 16.010 of this code to determine the 95th percentile of wealth per student, [district enrichment tax rate ("DTR") under Section 16.302 of this code may not exceed \$0.36] or a greater amount for any [of those] school year [years] provided by appropriation.

(b) The district tax rate (DTR) under Section 16.302 of this code may not exceed \$0.425 for the 1990-1991 school year, \$0.46 for the 1991-1992 school year, \$0.49 for the 1992-1993 school year, \$0.51 for the 1993-1994 school year, \$0.52 for the 1994-1995 school year, or a greater amount provided by appropriation for any school year so as to achieve the state policy established under Subsection (a) of this section. [For the 1989-1990 school year, a district may not receive less per student in guaranteed yield state funds than the amount of state funds received under the enrichment equalization allotment in the 1988-1989 school year.]

SECTION 1.06. Section 16.155, Education Code, is amended by amending Subsection (a) and adding Subsection (g) to read as follows:

(a) For each full-time equivalent student in average daily attendance in an approved vocational education program, a district is entitled to an annual allotment [for the 1989-1990 and 1990-1991 school years] equal to the adjusted basic allotment multiplied by a weight of 1.45.

(g) The commissioner shall conduct a cost-benefit evaluation of the benefit of the vocational education program as opposed to public education in mathematics and science.

SECTION 1.07. Section 29.05, Education Code, is amended to read as follows:

Sec. 29.05. ALLOCATION OF COSTS. The allocation of funds for the schools of the Department of Corrections shall be set by appropriation [A formula for the allocation of professional units and other operating expenses shall be developed by the Central Education Agency and approved by the State Board of Education].

SECTION 1.08. Chapter 1, Title 22, Revised Statutes, is amended by adding Article 717t-1 to read as follows:

Art. 717t-1. PUBLIC SCHOOL FACILITIES DEVELOPMENT GRANTS.

(a) From funds appropriated for the purpose, in the 1991-1992 school year, the board shall make grants to school districts to alleviate emergency needs for acquiring, constructing, renovating, or improving capital assets and instructional facilities.

(b) The board by rule shall establish procedures and qualifications for obtaining a grant under this article. Under the rules, a priority shall be given to school districts with a property-wealth per student ratio inadequate to meet the demands for adequate funds for its education program and for its debt service obligations. The board may consider, in adopting rules and awarding grants, the conditions listed in

Section 10(a), Public School Facilities Funding Act (Article 717t, Vernon's Texas Civil Statutes).

(c) Except to the extent directly related to the acquisition, construction, renovation, or improvement of capital assets and instructional facilities, a grant may not be used to pay the general administrative expenses of any school district or to pay any part of the salary or benefits of an official or employee of any school district receiving a grant under this article.

(d) In this article:

(1) "Board" has the meaning assigned by Section 2, Public School Facilities Funding Act (Article 717t, Vernon's Texas Civil Statutes).

(2) "Capital assets" means permanent fixtures, mechanical or electrical equipment, or other tangible property that becomes a permanent improvement to an instructional facility or furnishings, other than computers, for an instructional facility that have a life of not less than 10 years.

(3) "Instructional facility" has the meaning assigned by Section 2, Public School Facilities Funding Act (Article 717t, Vernon's Texas Civil Statutes).

(e) This article expires August 31, 1992.

SECTION 1.09. Chapter 314, Government Code, is amended by adding Section 314.004 to read as follows:

Sec. 314.004. EQUALIZED EDUCATION FUNDING IMPACT STATEMENT. (a) The board shall prepare for each bill or resolution that affects public education an equalized education funding impact statement.

(b) The impact statement must evaluate the effect of the bill or resolution on all state equalized funding requirements and policies.

(c) The impact statement must be attached to the bill or resolution immediately following the fiscal note attached under Section 314.003.

SECTION 1.10. Notwithstanding any provision to the contrary, for the 1990-1991 school year, "TR" under Section 16.252(a), Education Code, is a tax rate computed by the commissioner of education before the school year begins that will raise a total local share, prior to adjustments, equal to 33.3 percent of the current year Foundation School Program estimated costs under Subchapters C and D, Chapter 16, Education Code, other than the adjustments made under Sections 16.102(d) and 16.103(d), Education Code.

The amendment was read.

On motion of Senator Parker, Floor Amendment No. 6 was tabled by the following vote: Yeas 22, Nays 8.

Yeas: Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Ellis, Glasgow, Green, Halcy, Johnson, Lyon, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Harris, Henderson, Krier, McFarland, Ratliff.

Absent-excused: Leedom.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 7

Amend C.S.S.B. 1 as follows:

(1) Insert a new Section 1.21 to read

SECTION 1.21. To the extent a school district receives more state funds as a result of the passage of this Act, at least 58 percent of the additional funds are required to be used to increase teacher salaries or benefits, or both. A district may

not substitute funds dedicated to teacher salaries or benefits by this section for any other funds committed to teacher salaries or benefits.

(2) Renumber subsequent sections accordingly.

The amendment was read.

On motion of Senator Parker, Floor Amendment No. 7 was tabled viva voce vote.

RECORD OF VOTE

Senator Uribe asked to be recorded as voting "Nay" on the motion to table Floor Amendment No. 7.

Senator Green offered the following amendment to the bill:

Floor Amendment No. 8

Amend C.S.S.B. 1 as follows:

(1) Delete Section 2.11 and renumber subsequent sections accordingly.

(2) In Section 2.19, Subsection 21.758(d), insert a period after the words "suspension be terminated" and delete the remainder of the subsection.

(3) In Section 2.19, amend Subsection 21.758(e) to read "If the commissioner orders that the suspension be terminated, the appointed superintendent and the superintendent's staff shall continue to serve for a one-year transition period."

The amendment was read.

On motion of Senator Parker, Floor Amendment No. 8 was tabled viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Uribe and McFarland asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

REMARKS ORDERED PRINTED

On motion of Senator Uribe and by unanimous consent, Senator Truan's statement was ordered reduced to writing and spread upon the Journal:

Mr. President and Members:

This is substantially the same bill—with but one very notable difference—that I voted for on April 26 and that I intend to do the same today—when a 26-5 Senate majority passed the Conference Committee Report on S.B. 1 of the Fourth Called Special Session.

I stated my reasons in the Senate Journal of April 26 for my reluctant vote in favor of that Conference Committee Report on S.B. 1.

I believed then—and I believe now—that it fails to comply with the clear mandate handed down by a unanimous Supreme Court of Texas in its opinion in the case of Edgewood v. Kirby.

Lest we forget, Members, the Edgewood decision instructs us that "a band-aid approach will not suffice; the system itself must be changed."

The bill before us today, like S.B. 1 of the last session, gives the appearance of change; it offers some illusory hope of change in a period of five years. It is, in reality, a legislative promise of change down the road, with a band-aid applied in the first years, as even Senator Parker admitted during floor debate on April 26. But, the school children in the Edgewood District, and in the Edcouch-Elsa District, and in the North Forest District, and in all of the property-poor school districts of this State have suffered for more than twenty years of broken promises by the Legislature.

But, last October a unanimous Supreme Court of Texas handed them a victory when it said that our system of financing public education flies in the face of the plain language of the Texas Constitution. Now, those children and their parents and their teachers are here to collect on that judgment. And, if they can't collect from the Legislature, they will surely collect on that judgment in Judge F. Scott McCown's Court—because he rendered an order on May 1 from the bench that he will appoint a master to administer a constitutional system of financing the public schools.

Like all members of this body, I took an oath to uphold the Constitution, and we violate that oath when we support a measure which gives only bare appearance of some degree of faint-hearted compliance with the constitutional requirement that we operate an efficient system of public schools that provides substantially equal educational opportunities to everyone.

What has transpired between April 26, when we approved the Conference Committee Report on S.B. 1 and today is that Governor Clements vetoed the bill that was required to provide the revenue needed for that measure, and secondly, Judge McCown announced his order on May 1; and thirdly, we have before us today a revised version of last session's Conference Committee Report on S.B. 1—but, without the appropriations.

Poor school districts have no assurances that they will ever receive one thin dime of the \$555 million that the proponents tell us this bill will pump into the public school system of Texas.

Moreover, by an amendment added to this bill while in Committee during this 5th Called Session, this bill will become effective only with passage of a revenue measure. Without a tax bill, which the Governor still threatens to veto, in the amount of \$555 million or more, our Legislature will have no school finance reform legislation.

In addition to appropriating no money to carry out its promises, this bill does not effectively reduce the school district tax base differences that are the fundamental causes of the large inequities in tax rates and expenditures.

Said another way, it does little to change the root-cause of the unconstitutional differences which allow a student in Governor Clements' Highland Park District to receive a vastly superior education than a student in the Edgewood District, or the Edcouch-Elsa District, which is the poorest in Texas at an even lower tax rate.

Equally important, in addition to failing to appropriate any money to accomplish what it authorizes to be done, and in failing to effectively reduce the school district tax base differences, this bill fails to provide equalized state funding for school facilities, recommending only that another study be undertaken.

Members, this bill fails to neutralize the unequal ability to enrich or supplement the basic educational programs that exist between the property-rich school districts, like Governor Clements' Highland Park, for example, and the property-poor school districts.

This bill doesn't address that issue of fundamental inequality because this Legislature is unwilling—and perhaps politically unable—to face the fact that as long as that disparity exists we will continue to thumb our nose at the Texas Constitution.

I know that the word “enrichment” is sacrosanct to many members of the House and the Senate. Not too many years ago, the word “segregation” was also sacrosanct in this body. But, the money for enrichment that is bragged about as a primary attraction in the affluent school districts of this State is the same money which the Supreme Court of Texas described in these words:

“The amount of money spent on a student's education has a real and meaningful impact on the educational opportunity offered the student. High wealth districts are able to provide for their students broader educational experiences including more extensive curricula, more up-to-date technological equipment, better libraries and library personnel, teacher aides, counseling services, lower student-teacher ratios, better facilities, parental involvement programs, and drop-out prevention programs. They are also better able to attract and retain experienced teachers and administrators.”

Members, this is not what the framers of the Texas Constitution had in mind, and they laid out in plain language the framework for establishing an efficient system of free public schools—and, we have refused to follow that framework, and the bill before us today does little to change that unconstitutional disparity that has fostered a system of inefficient schools which ill-serve the young people of Texas—and which can't provide them with the kind of quality teachers, and good libraries and science labs and foreign language instruction, and intensive study of mathematics and hands-on computer training that they must have to live a decent life in a global economy.

Members, at the meeting of the Senate Education Committee last Thursday, I distributed copies of the court reporter's transcript of the May 1 hearing in Judge McCown's court. Judge McCown said from the bench that he was going to appoint a master to develop a plan which will achieve the intent of the Supreme Court of Texas when it upheld Judge Harley Clark's decision in the Edgewood case—that is, a plan which comports with the Texas Constitution and it will be in place by September 1, 1990.

Since the Governor refuses to even acknowledge that we have to bring the public schools into compliance with the Constitution, and since the Legislature is unwilling to do so—perhaps because we are politically incapable of doing so—the only assurance we have of accomplishing that goal is to let the court do it.

The Good Lord knows that it won't be the first time that the Governor and the Legislature have failed to confront our constitutional obligations. Recent history is replete with a number of cases in which the Governor and the Legislature have defaulted on our responsibilities to the courts.

COMMITTEE SUBSTITUTE SENATE BILL 1 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Uribe.

Absent-excused: Leedom.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Brown, Harris, Henderson, McFarland and Uribe asked to be recorded as voting "Nay" on the final passage of the bill.

REASON FOR VOTE

This is substantially the same bill—with but one very notable difference—that we previously voted for on April 26, 1990, when the Senate passed the Conference Committee Report on **S.B. 1**.

We believed then, and we believe now that it fails to comply with the clear mandate handed down by a unanimous Supreme Court of Texas in the case of Edgewood v. Kirby. This bill only gives the appearance of change; it offers some illusive hope of change in a period of five years. It is a band-aid approach. It appropriates no money to carry out its promises, and this bill does not effectively reduce the school district tax base differences that are fundamental causes of the large inequities in tax rates and expenditures. The wealthiest school districts containing 5% of the state's school children have over \$100 billion of the total state property wealth of \$650 billion. The wealthiest districts, with 5% of the students, have exclusive access to over 15% of the state's property wealth. Five percent of the state's school children in the lowest wealth districts have access to less than 2% of the state's total property wealth.

This bill does nothing to change the root-cause of the unconstitutional differences which allow a student in Governor Clements' Highland Park School District to receive a vastly superior education than a student in the Edgewood District, or the Edcouch-Elsa District. The bill fails to neutralize unequal enrichment and there is no provision for some state participation in school facilities funding.

We reluctantly vote for this bill only because the political reality is that the Governor refuses to even acknowledge that we have to bring the public schools into compliance with the Constitution, and since the Legislature is unwilling to do so, the only assurance we have of accomplishing the goal of achieving an equitable system is to let the Court do it.

TRUAN
SANTIESTEBAN

SENATE RULE 11.11 SUSPENDED

On motion of Senator Caperton and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Finance might consider the following bills at 9:00 a.m. tomorrow:

S.B. 40
S.B. 41
S.B. 42
S.B. 35
S.B. 5
S.B. 10

CONGRATULATORY RESOLUTION

S.R. 24 - By Krier: Extending congratulations to Harrell Spears and all those associated with Stowers Furniture Company on the splendid occasion of its 100th anniversary.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:29 p.m. adjourned until 1:00 p.m. tomorrow.

THIRD DAY

(Tuesday, May 8, 1990)

The Senate met at 1:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Ratliff, Sims, Tejeda, Truan, Uribe, Zaffirini.

Absent-excused: Bivins, Ellis, Glasgow, Lyon, Parmer, Santiesteban, Whitmire.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, as the deliberation continues on the major issue of this special session, we pray for Your wise counsel and Your guidance as the members draw on their experience and knowledge in finalizing a compromise. For the time, the effort and the devotion that is invested in the bill now pending, we offer our prayer of thanks. May the members receive Your blessing as they struggle to reshape the educational system of Texas.

In our Lord's name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senators Bivins, Glasgow, Lyon, Parmer, Santiesteban and Whitmire were granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Ellis was granted leave of absence for today on account of illness on motion of Senator Brooks.

REPORT OF STANDING COMMITTEE

Senator Caperton submitted the following report for the Committee on Finance:

S.B. 10
S.B. 35
C.S.S.B. 5